

State Board Members and EPA Bay Delta Meeting

Proposed Agenda 6-10-14

1001 I Street, Sacramento

1. Introductions

- EPA: Jane Diamond, John Kemmerer, Tim Vendlinski, Valentina Cabrera, Erin Foresman

2. Bay Delta WQCP: Phase I

- Review of EPA's recommendations from letter on the Phase 1 SED (28 MAR 2013).
 - Year-round narrative flow criteria
 - Measurable and enforceable criteria:
 - Adaptive Management: recommendation to expand the upper end of the range and better define decision-making structure
 - Increased flows: 50% UF seems to provide many ecological functions that 35% UF does not.
- EPA Region 9 working with EPA HQ and other Regions to ensure a consistent approach toward interpreting water quality criteria proposed by states. The narrative flow criteria and the numeric % UF in the Program of Implementation will be viewed as a water quality standard within the framework of the Clean Water Act.
- EPA must initiate ESA Section 7 consultations with FWS and NMFS on the action we take to approve or disapprove the Board's Bay Delta WQCP.
- As currently drafted, the flow criteria do not protect sensitive uses or beneficial uses under the Clean Water Act.
- We hope to work with the Board to develop criteria that protect sensitive uses and beneficial uses.
- A long compliance period for a proposed criteria that protects beneficial uses is preferable to a criteria that does not protect beneficial uses.
- EPA has a contract with Tetrattech to analyze the flows that would be needed to attain the temperatures required by salmonids. Results will be used to compare the proposed % unimpaired flow to beneficial use attainment.

3. Briefly discuss Bay Delta WQCP Phase II

- EPA prefers a year-round salinity or flow based standard rather than the % unimpaired flow approach.
- EPA is contracting with Tetrattech to develop a cost estimate / feasibility study for a permanent network to directly measure bottom salinity (to improve compliance with X2).
- DWR is proposing to move the electrical conductivity (salinity) objective at Emmaton to a compliance location four miles upstream at Three-Mile Slough so BDCP can comply with salinity standards, thereby resulting in a relaxation of salinity standards. Is the SWRCB planning to address this through the WQCP update or through another mechanism like the petition to change the point of diversion for BDCP intakes?

4. Flow impairments on the upcoming integrated report

- EPA has been approached by the Earth Law Center and tribes about our duty to list flow impairments on the 303(d) list for waterbodies where there is readily available information.